

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CEMON BYRD,

Petitioner,

v.

JAMES HURLEY,

Respondent.

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No. 4:17-CV-233 ACL

MEMORANDUM AND ORDER

Before the Court is petitioner's application for writ of habeas corpus. Petitioner filed a hand-written motion for habeas corpus in this Court on January 20, 2017. However, petitioner failed to include fully articulated grounds¹ under which he was seeking relief from his conviction and sentence.

On January 26, 2017, the Court reviewed petitioner's hand-written application for habeas corpus and ordered petitioner to submit an amended petition on a court-provided form. Petitioner sought an extension of time to submit his amended petition on February 17, 2017, and his request was granted. However, as of today's date, he has failed to submit his amended petition, which should have been filed no later than April 6, 2017.

The Court will *sua sponte* provide petitioner an additional thirty (30) days to submit his amended petition on a court-provided form. His petition must include fully articulated grounds supporting petitioner's claims for relief from his conviction and sentence, as well as facts and

¹ The only "grounds" Petitioner included in his application was a conclusory statement that his appellate counsel was "ineffective" and that he asked his trial court counsel for a psych evaluation but she refused to request one. These conclusory statements, without more, do not provide enough information for respondent to accurately respond to petitioner's application for writ.

circumstances that support his claims. Petitioner must also take care to sign his petition. Petitioner is warned that if he fails to submit an amended petition on a court-provided form within thirty (30) days of the date of this Memorandum and Order will result in the dismissal of this action, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to send petitioner a § 2254 court form.

IT IS FURTHER ORDERED that petitioner must completely fill out the § 2254 form and return it to the Court **no later than May 30, 2017**.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Memorandum and Order, the Court will dismiss this action without further proceedings.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of April, 2017.